
HOUSE BILL 2907

State of Washington 60th Legislature 2008 Regular Session

By Representatives Campbell, Schual-Berke, Hinkle, Green, Morrell, Simpson, and Haler

Read first time 01/17/08. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to health care licensing and disciplinary boards
2 and commissions; amending RCW 18.71.0191, 18.64.310, 18.79.130,
3 43.70.240, and 43.70.250; adding a new section to chapter 18.22 RCW;
4 adding a new section to chapter 18.25 RCW; adding a new section to
5 chapter 18.30 RCW; adding a new section to chapter 18.32 RCW; adding a
6 new section to chapter 18.35 RCW; adding a new section to chapter 18.52
7 RCW; adding a new section to chapter 18.54 RCW; adding a new section to
8 chapter 18.57 RCW; adding a new section to chapter 18.59 RCW; adding a
9 new section to chapter 18.74 RCW; adding a new section to chapter 18.83
10 RCW; adding a new section to chapter 18.92 RCW; and adding a new
11 section to chapter 18.108 RCW.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 **Sec. 1.** RCW 18.71.0191 and 1994 sp.s. c 9 s 326 are each amended
14 to read as follows:

15 The secretary of the department of health shall (~~appoint, from a~~
16 ~~list of three names supplied by the commission,~~) employ an executive
17 director, hired by the commission and serving in accordance with RCW
18 43.70.240, who shall act to carry out the provisions of this chapter.
19 The secretary shall also employ such additional staff, as the secretary

1 determines is necessary, including administrative assistants,
2 investigators, and clerical staff as are required to enable the
3 commission to accomplish its duties and responsibilities. The
4 executive director is exempt from the provisions of the civil service
5 law, chapter 41.06 RCW, as now or hereafter amended.

6 **Sec. 2.** RCW 18.64.310 and 1996 c 191 s 49 are each amended to read
7 as follows:

8 The department shall:

9 (1) Establish reasonable license and examination fees and fees for
10 services to other agencies in accordance with RCW 43.70.250 and
11 43.70.280. In cases where there are unanticipated demands for
12 services, the department may request payment for services directly from
13 the agencies for whom the services are performed, to the extent that
14 revenues or other funds are available. Drug-related investigations
15 regarding licensed health care practitioners shall be funded by an
16 appropriation to the department from the health professions account.
17 The payment may be made on either an advance or a reimbursable basis as
18 approved by the director of financial management;

19 (2) Employ(~~(, with confirmation by the board,)~~) an executive
20 (~~(officer)~~) director, (~~((who shall be exempt from the provisions of~~
21 ~~chapter 41.06 RCW and who shall be a pharmacist licensed in~~
22 ~~Washington))~~) hired by the board and serving in accordance with RCW
23 43.70.240, and employ inspectors, investigators, chemists, and other
24 persons as the executive director determines is necessary to assist it
25 for any purpose which it may deem necessary;

26 (3) Investigate and prosecute, at the direction of the board,
27 including use of subpoena powers, violations of law or regulations
28 under its jurisdiction or the jurisdiction of the board of pharmacy;

29 (4) Make, at the direction of the board, inspections and
30 investigations of pharmacies and other places, including dispensing
31 machines, in which drugs or devices are stored, held, compounded,
32 dispensed, sold, or administered to the ultimate consumer, to take and
33 analyze any drugs or devices and to seize and condemn any drugs or
34 devices which are adulterated, misbranded, stored, held, dispensed,
35 distributed, administered, or compounded in violation of or contrary to
36 law. The written operating agreement between the department and the

1 board, as required by RCW 43.70.240 shall include provisions for the
2 department to involve the board in carrying out its duties required by
3 this section.

4 **Sec. 3.** RCW 18.79.130 and 1994 sp.s. c 9 s 413 are each amended to
5 read as follows:

6 The secretary shall ~~((appoint, after consultation with the~~
7 ~~commission,))~~ employ an executive director, hired by the commission and
8 serving in accordance with RCW 43.70.240, who shall act to carry out
9 this chapter. The secretary shall also employ such professional,
10 secretarial, clerical, and other assistants as may be necessary to
11 effectively administer this chapter. The ~~((secretary shall fix the))~~
12 ~~compensation and ((provide for))~~ travel expenses for the executive
13 director and all such employees~~((r))~~ must be set in accordance with RCW
14 ~~((43.03.050 and 43.03.060))~~ 43.70.240.

15 **Sec. 4.** RCW 43.70.240 and 1998 c 245 s 73 are each amended to read
16 as follows:

17 (1) The secretary and each of the professional licensing and
18 disciplinary boards ~~((under the administration of the department shall~~
19 ~~enter into written operating agreements on administrative procedures~~
20 ~~with input from the regulated profession and the public. The intent of~~
21 ~~these agreements is to provide a process for the department to consult~~
22 ~~each board on administrative matters and to ensure that the~~
23 ~~administration and staff functions effectively enable each board))~~ and
24 commissions shall enter into written joint operating agreements that
25 detail the budgetary, staffing, administrative, and other licensing and
26 disciplinary support that the department will provide each board and
27 commission. The intent of these agreements is to provide a legal
28 framework for ensuring that each board and commission is provided with
29 adequate administrative and staff support from the department to
30 effectively enable the board or commission to fulfill its statutory
31 responsibilities.

32 (2) The joint agreements shall include, but are not ~~((be))~~ limited
33 to, the following provisions:

34 ~~((1) Administrative activities supporting the board's policies,~~
35 ~~goals, and objectives;~~

1 ~~(2) Development and review of the agency budget as it relates to~~
2 ~~the board; and~~

3 ~~(3) Board related personnel issues.~~

4 ~~The agreements shall be reviewed and revised in like manner if~~
5 ~~appropriate at the beginning of each fiscal year, and at other times~~
6 ~~upon written request by the secretary or the board.))~~

7 (a) With regard to the independent executive director:

8 (i) That the executive director is hired by and serves at the
9 pleasure of the board or commission;

10 (ii) That the position is exempt from the provisions of the civil
11 service law, chapter 41.06 RCW, and the executive director's salary is
12 established by the board or commission;

13 (iii) That the executive director is responsible for hiring,
14 evaluating, dismissing, disciplining, and directing department of
15 health professional, clerical, technical, investigative, legal, and
16 administrative personnel necessary to carry on the work of the board or
17 commission; and

18 (iv) That the executive director handles all administrative duties
19 of the board or commission, including preparing an annual budget, and
20 any other duties so delegated to the executive director by the board or
21 commission.

22 (b) With regard to an annual budget:

23 (i) The board or commission is responsible for proposing its own
24 biennial budget;

25 (ii) The secretary must forward the budgets proposed by the board
26 or commission to the office of financial management; and

27 (iii) Prior to adopting licensing and registration fees under RCW
28 43.70.250, the secretary shall work with the boards and commissions to
29 determine the appropriate fees for the individual profession.

30 (c) With regard to rules and guidelines: Prior to the secretary
31 exercising the secretary's authority to adopt uniform rules and
32 guidelines, or any other actions that might impact the licensing or
33 disciplining authority of a board or commission, the secretary shall
34 first meet with the board or commission to determine how those rules or
35 guidelines, or changes to rules or guidelines, might impact the board
36 or commission's ability to effectively carry out its statutory duties.
37 If the board or commission, in consultation with the secretary,
38 determines that the proposed rules or guidelines, or changes to

1 existing rules or guidelines, will negatively impact the board's or
2 commission's ability to effectively carry out its statutory duties,
3 then the individual board or commission is permitted to adopt separate
4 rules or guidelines that are appropriate for that particular board or
5 commission.

6 (d) With regard to performance measurements: Annually, each board
7 and commission in consultation with the secretary shall set
8 performance-based goals for the upcoming year.

9 (e) With regard to dispute resolution: In the event there is a
10 disagreement between a board or commission and the secretary, that is
11 unable to be resolved through negotiation, a representative of both
12 parties shall agree on the designation of a third party to mediate the
13 dispute.

14 (f) With regard to an annual review: Joint agreements must be
15 reviewed annually in June. The parties are required to have an
16 agreement on proposed changes, if any, in place by July 1st of that
17 year. If the parties fail to reach an agreement by July 1st, a
18 mediator must be brought in to resolve the dispute as set forth in (e)
19 of this subsection. Until such time as the dispute is resolved, the
20 terms of the current agreement remain in effect.

21 **Sec. 5.** RCW 43.70.250 and 2006 c 72 s 4 are each amended to read
22 as follows:

23 (1) It shall be the policy of the state of Washington that the cost
24 of each professional, occupational, or business licensing program be
25 fully borne by the members of that profession, occupation, or business.
26 The secretary shall from time to time establish the amount of all
27 application fees, license fees, registration fees, examination fees,
28 permit fees, renewal fees, and any other fee associated with licensing
29 or regulation of professions, occupations, or businesses administered
30 by the department. In fixing said fees, the secretary shall set the
31 fees for each program at a sufficient level to defray the costs of
32 administering that program and the cost of regulating licensed
33 volunteer medical workers in accordance with RCW 18.130.360, except as
34 provided in RCW 18.79.202 until June 30, 2013. All such fees shall be
35 fixed by rule adopted by the secretary in accordance with the
36 provisions of the administrative procedure act, chapter 34.05 RCW.

1 (2) By September of each year, the secretary shall provide each of
2 the health professions boards and commissions a detailed accounting of
3 how the fees collected from each of the boards and commissions
4 deposited into the health professions account was used to support that
5 particular profession's program.

6 NEW SECTION. Sec. 6. A new section is added to chapter 18.22 RCW
7 to read as follows:

8 The secretary shall employ an executive director hired by the board
9 and serving in accordance with RCW 43.70.240. The executive director
10 shall perform all of the duties specified in RCW 43.70.240 and assist
11 the board, as directed, in carrying out its responsibilities under this
12 chapter.

13 NEW SECTION. Sec. 7. A new section is added to chapter 18.25 RCW
14 to read as follows:

15 The secretary shall employ an executive director hired by the
16 commission and serving in accordance with RCW 43.70.240. The executive
17 director shall perform all of the duties specified in RCW 43.70.240 and
18 assist the commission, as directed, in carrying out its
19 responsibilities under this chapter.

20 NEW SECTION. Sec. 8. A new section is added to chapter 18.30 RCW
21 to read as follows:

22 The secretary shall employ an executive director hired by the board
23 and serving in accordance with RCW 43.70.240. The executive director
24 shall perform all of the duties specified in RCW 43.70.240 and assist
25 the board, as directed, in carrying out its responsibilities under this
26 chapter.

27 NEW SECTION. Sec. 9. A new section is added to chapter 18.32 RCW
28 to read as follows:

29 The secretary shall employ an executive director hired by the
30 commission and serving in accordance with RCW 43.70.240. The executive
31 director shall perform all of the duties specified in RCW 43.70.240 and
32 assist the commission, as directed, in carrying out its
33 responsibilities under this chapter.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.35 RCW
2 to read as follows:

3 The secretary shall employ an executive director hired by the board
4 and serving in accordance with RCW 43.70.240. The executive director
5 shall perform all of the duties specified in RCW 43.70.240 and assist
6 the board, as directed, in carrying out its responsibilities under this
7 chapter.

8 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.52 RCW
9 to read as follows:

10 The secretary shall employ an executive director hired by the board
11 and serving in accordance with RCW 43.70.240. The executive director
12 shall perform all of the duties specified in RCW 43.70.240 and assist
13 the board, as directed, in carrying out its responsibilities under this
14 chapter.

15 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.54 RCW
16 to read as follows:

17 The secretary shall employ an executive director hired by the board
18 and serving in accordance with RCW 43.70.240. The executive director
19 shall perform all of the duties specified in RCW 43.70.240 and assist
20 the board, as directed, in carrying out its responsibilities under this
21 chapter.

22 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.57 RCW
23 to read as follows:

24 The secretary shall employ an executive director hired by the board
25 and serving in accordance with RCW 43.70.240. The executive director
26 shall perform all of the duties specified in RCW 43.70.240 and assist
27 the board, as directed, in carrying out its responsibilities under this
28 chapter.

29 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.59 RCW
30 to read as follows:

31 The secretary shall employ an executive director hired by the board
32 and serving in accordance with RCW 43.70.240. The executive director
33 shall perform all of the duties specified in RCW 43.70.240 and assist

1 the board, as directed, in carrying out its responsibilities under this
2 chapter.

3 NEW SECTION. **Sec. 15.** A new section is added to chapter 18.74 RCW
4 to read as follows:

5 The secretary shall employ an executive director hired by the board
6 and serving in accordance with RCW 43.70.240. The executive director
7 shall perform all of the duties specified in RCW 43.70.240 and assist
8 the board, as directed, in carrying out its responsibilities under this
9 chapter.

10 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.83 RCW
11 to read as follows:

12 The secretary shall employ an executive director hired by the
13 board and serving in accordance with RCW 43.70.240. The executive
14 director shall perform all of the duties specified in RCW 43.70.240 and
15 assist the board, as directed, in carrying out its responsibilities
16 under this chapter.

17 NEW SECTION. **Sec. 17.** A new section is added to chapter 18.92 RCW
18 to read as follows:

19 The secretary shall employ an executive director hired by the board
20 and serving in accordance with RCW 43.70.240. The executive director
21 shall perform all of the duties specified in RCW 43.70.240 and assist
22 the board, as directed, in carrying out its responsibilities under this
23 chapter.

24 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.108
25 RCW to read as follows:

26 The secretary shall employ an executive director hired by the
27 board and serving in accordance with RCW 43.70.240. The executive
28 director shall perform all of the duties specified in RCW 43.70.240 and
29 assist the board, as directed, in carrying out its responsibilities
30 under this chapter.

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